

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

**Illinois Commerce Commission**  
**RAIL SAFETY SECTION**

AUG 4 2003

2. Respondent Union Pacific Railroad Company admits that Kansas City Southern Railway is a lawfully organized corporation and is licensed to do business in the State of Illinois, with its principal offices located at P.O. Box 219335, Kansas City, MO 64121-9335, and is a common carrier by rail, but states that the remaining allegations are a conclusion of law, to which no response is required, and therefore, Respondent denies the remaining allegations of Paragraph 2 of the Petition.

3. Respondent Union Pacific Railroad Company admits that it is a lawfully organized corporation and is licensed to do business in the State of Illinois, is a common carrier by rail and maintains an office at 210 North 13th Street, St. Louis, Missouri, but denies that this is its principal office, and further states that the remaining allegations are a conclusion of law, to which no response is required, and therefore, Respondent denies the remaining allegations of Paragraph 3 of the Petition.

4. Respondent Union Pacific Railroad Company admits the allegations contained in Paragraph 4.

5. Respondent Union Pacific Railroad Company admits the allegations contained in Paragraph 5.

6. Respondent Union Pacific Railroad Company admits the allegations contained in Paragraph 6.

7. Respondent Union Pacific Railroad Company is without sufficient information to either admit or deny the allegations contained in Paragraph 7 and therefore denies same.

8. Respondent Union Pacific Railroad Company is without sufficient information to either admit or deny the allegations contained in Paragraph 8 and therefore denies same.

9. Respondent Union Pacific Railroad Company denies the allegations contained in Paragraph 9.

WHEREFORE, Union Pacific Railroad Company prays the Illinois Commerce Commission hold such hearings as are necessary to determine if the requested grade separation is required by public safety, and to apportion the costs thereof in accord with the benefits received and with other applicable legal limitations, and for such other and further relief as is deemed appropriate.

UNION PACIFIC RAILROAD COMPANY

BY: 

Roy P. Farwell

210 North 13th Street, Room 2000

St. Louis, MO 63103

Telephone: (314) 216-5566

Facsimile: (314) 216-5564

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was mailed first class mail, postage prepaid, this 31<sup>st</sup> day of July, 2003, to:

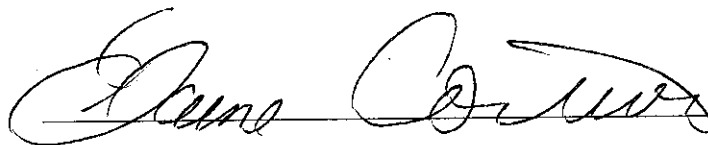
Mr. Darrell Cates  
St. Clair County Highway Engineer  
1415 North Belt West  
Belleville, IL 62226

Mr. Jeff Harpring  
Illinois Department of  
Transportation  
2300 South Dirksen Parkway  
Room 205  
Springfield, IL 62794

Mr. Paul Brown  
Thompson Coburn  
One U.S. Bank Plaza  
St. Louis, MO 63101

Mr. Bill Burger  
Kansas City Southern Railway  
4501 Kansas Avenue  
Kansas City, KS 66106

Mr. Thomas J. Healey  
Associate General Counsel  
Kansas City Southern Railway  
427 West 12th Street  
Kansas City, MO 64105

A handwritten signature in black ink, appearing to read "Thomas J. Healey", written over a horizontal line.